

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LOS REYES FIREWOOD and
PABLO REYES, JR.,

Plaintiffs,

v.

CIV 14-0641 KBM/SCY

STATE OF NEW MEXICO'S
BERNALILLO COUNTY SHERIFF'S DEPARTMENT
AND OFFICER DEREK TAYLOR,

Defendants.

ORDER REQUESTING REASSIGNMENT

Plaintiff Paul Keith Reyes, evidently now using the alias "Pablo Reyes, Jr.", filed the instant action in state district court. Following removal to this Court, Defendants filed a motion to dismiss for, among other things, failing to abide by previously imposed filing restrictions entered by both the Honorable Judith Herrera and the Honorable Kenneth Gonzales.

Just as Judge Gonzales anticipated less than four months ago, "pro se Plaintiff Paul Keith Reyes will continue to engage in frivolous litigation, as he has in numerous other cases, and continue to cause needless expense to opposing parties and waste scarce judicial resources." *Paul Keith Reyes et al. v. Bernalillo County Detention Center, et al.*, CIV 14-0303 KG/SCY, Doc.2 at 1. It was for that reason that he expanded on Judge Herrera's filing restrictions as to cases originally filed in federal court to also expressly prohibit Reyes from

fili[ng] any document in a case that was removed to the United States District Court for the District of New Mexico in which Reyes is a plaintiff, and the Clerk of the Court shall not accept any documents from him in a removed case unless either (i) an actively and currently licensed attorney who has been admitted to practice before this Court signs the pleading and represents him or (ii) Reyes first obtains permission to proceed pro se. The steps to obtain permission to proceed pro se specified in Judge Herrera's Order Imposing Filing Restrictions are incorporated herein.

Id. at 2-3 (emphasis added).

Unfortunately, Clerk's Office staff did accept documents from Plaintiff for filing in this case contrary to this Order, presumably because the alias Plaintiff has chosen to use in this action did not alert them to the filing restrictions. These documents include: a notice of pro se appearance (*Doc. 9*), a motion to stay and accompanying affidavit (*Docs. 10 & 11*), a motion for hearing (*Doc. 12*), a notice of appeal (*Doc. 14*), a consent to proceed before a magistrate judge (*Doc. 15*), a petition to compel arbitration (*Doc. 17*), and a motion for leave to appeal in forma pauperis (*Doc. 21*). Clearly these filings violate the very terms of the Orders imposing the restrictions and constitute continued disregard for the authority of this court. Such flagrant violations must be addressed, but I fear that I am not in the position to do so. Although the parties have executed a consent to proceed before me pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b), Plaintiff Reyes' document, like the many others he has submitted, was inadvertently accepted in violation of this district's restrictions. Under the circumstances, I question my authority to proceed in this matter

Wherefore,

IT IS HEREBY ORDERED that the Clerk of Court reassign this case to
a district judge for further disposition.


UNITED STATES CHIEF MAGISTRATE JUDGE